Remarks

This is in response to the Office Action dated July 22, 2009.

In response to the objection, claims 7-9 each have been amended to recite "heat and moisture exchanger" in place of HME. The objection of claims 7-9 is therefore believed to have been overcome.

Claims 1-8 and 9 stand rejected as being anticipated by Persson (US 2002/0156527)[1] and claim 9 stands rejected as being obvious over Persson in combination with Turnbull (US 5647344).

Claim 1 has been amended in order to highlight the differences between the present invention and the arrangement described in the cited documents. In particular, amended claim 1 specify that the housing of the gas-treatment device is elongate and extends generally transversely of the tube. The amendments also make it clear that the gas-treatment unit is displaceable by rotation about an axis generally transverse to the tube. Claim 1 further makes it clear that the gas-treatment device is opened and closed by this rotational movement.

Turnbull (US 5647344) describes a conventional HME with a fixed tubular housing aligned axially with the tracheal tube 21. Turnbull does not, therefore, suggest that the housing extend transversely of the tube or that it be rotatable in the manner required by the amended main claim.

The arrangement described in the Persson (US 2002/1056527) has an HME cassette 22 of cylindrical shape that is fitted over the outside of cylindrical housing 20. The housing 20, in turn, is fitted coaxially on the outside of a cone 18 forming the outer end of

[1] It is believed that Persson US6422235 was erroneously cited in the Office Action.

a tracheostoma cannula. The device described in the Persson includes a check valve arrangement that can be set in one state in which the patient can inhale through the device but cannot exhale through it, to another state in which the patient can both inhale and exhale through the device. The state of the check valve is changed by rotating the housing axially, that is, axially of the end of the tracheostoma tube. It can be seen, therefore, that the cited device differs from that now required by claim 1 because it does not have a housing that extends transversely of the tracheostoma tube and, furthermore, because it is not opened and closed by rotation about an axis transverse to the tube.

The transverse arrangement of the present invention enables the use of an HME of the kind having two coiled paper elements at the end of a tubular housing, which has been found to be particularly effective and relatively compact and unobtrusive. The compact, transverse configuration may also make the device less prone to being knocked or caught on equipment, bedding or clothing, thereby reducing the risk of inadvertent actuation.

In view of the foregoing, the examiner is respectfully requested to reconsider the application and pass the same to issue at an early date.

Respectfully submitted,

Louis Woo, RN 31,730
Law Offices of Louis Woo
717 North Fayette Street
Alexandria, VA 22314
(703) 299-4090

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